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ORDINANCE NO. 05-007

AN ORDINANCE AMENDING THE ST. LUCIE COUNTY LAND DEVELOPMENT CODE BY AMENDING CHAPTER 6.00.00 VEGETATION PROTECTION AND PRESERVATION TO PROVIDE FOR A SERIES OF GENERAL AMENDMENTS UPDATING, CLARIFYING AND AMENDING THE COUNTY'S VEGETATION PROTECTION AND PRESERVATION STANDARDS AND REGULATIONS; AND AMENDING SECTION 11.05.06 VEGETATION REMOVAL PERMITS TO PROVIDE FOR A CLARIFICATION OF THE PROCEDURES IN REGARD TO THE ISSUANCE OF A VEGETATION REMOVAL PERMIT; PROVIDING CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR ADOPTION AND PROVIDING FOR CODIFICATION

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. On August 1, 1990, the Board of County Commissioners of St. Lucie County, Florida, adopted the St. Lucie County Land Development Code.

2. The Board of County Commissioners has adopted certain amendments to the St. Lucie County Land Development Code, through the following Ordinances:

91-003 -	March 14, 1991	91-009 -	May 14, 1991
91-021 -	November 7, 1991	92-017 -	June 2, 1992
93-001 -	February 16, 1993	93-003 -	February 16, 1993
93-005 -	May 25, 1993	93-006 -	May 25, 1993
93-007 -	May 25, 1993	94-007 -	June 22, 1994
94-018 -	August 16, 1994	94-021 -	August 16, 1994
95-001 -	January 10, 1995	96-010 -	August 6, 1996
97-001 -	March 4, 1997	97-009 -	October 7, 1997
97-003 -	September 2, 1997	99-001 -	February 2, 1999
99-002 -	April 6, 1999	99-03 -	August 17, 1999
99-004 -	August 17, 1999	99-005 -	July 20, 1999
99-015 -	July 20, 1999	99-016 -	July 02, 1999
99-017 -	September 7, 1999	99-018 -	November 2, 1999
00-010 -	June 13, 2000	00-011 -	June 13, 2000
00-012 -	June 13, 2000	00-013 -	June 13, 2000
01-003 -	December 18, 2001	02-005 -	June 24, 2002
02-009 -	March 5, 2002	02-020 -	October 15, 2002

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02-029 - October 15, 2002 03-005 - October 7, 2003
04-002- January 20, 2004

3. On April, 15, 2004, August 19, 2004, and October 28, 2004 the Local Planning Agency/Planning and Zoning Commission held a public hearing on the proposed ordinance after publishing notice in the Port St. Lucie News and the Tribune at least ten (10) days prior to the hearing and recommended that the proposed ordinance be approved.

4. On December 21, 2004, this Board held its first public hearing on the proposed ordinance, after publishing a notice of such hearing in the Port St. Lucie News and the Tribune on December 11, 2004.

5. On January 18, 2005, this Board held its second public hearing on the proposed ordinance, after publishing a notice of such hearing in the Port St. Lucie News and the Tribune on January 3, 2005.

6. The proposed amendments to the St. Lucie County Land Development Code are consistent with the general purpose, goals, objectives and standards of the St. Lucie County Comprehensive Plan and are in the best interest of the health safety and public welfare of the citizens of St. Lucie County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A.

THE SPECIFIC AMENDMENTS TO THE ST. LUCIE COUNTY LAND DEVELOPMENT CODE TO READ AS FOLLOWS, INCLUDE:

**CHAPTER VI
RESOURCE PROTECTION STANDARDS**

6.00.00 VEGETATION PROTECTION AND PRESERVATION

6.00.01 INTENT

It is the intent of the Board of County Commissioners to provide for the health, safety, and welfare of the residents of and visitors to St. Lucie County by establishing an administrative review process which encourages preservation of native habitat, and long-term sustainability of our urban forest in accordance with the St. Lucie County Comprehensive Plan and beneficial land and forest management practices by minimizing the unnecessary removal of valuable existing vegetation in advance of approved land development within the unincorporated area of St. Lucie

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County. Healthy vegetation reduces air and noise pollution, provides for the production of oxygen and sequestering of carbon dioxide, provides energy-saving shade and cooling, furnishes habitat for wildlife, enhances aesthetics and property values, and is an important contributor to community image, pride, and quality of life. In addition, it is the intent of the Board to prevent such destructive land development practices as speculative grubbing vegetation removal and clear cutting of land without a site plan or vegetation management and mitigation plan.

6.00.02 RELATIONSHIP TO OTHER SECTIONS OF THIS CODE

A. The provisions of the following Sections shall supersede the provisions of this Section to the extent of conflict.

1. Mangrove Protection, Section 6.01.00;
2. Environmentally Sensitive Lands, Section 6.02.00.
3. Wetland Protection 6.02.03
4. Coastal Area Protection 6.02.01
5. Shoreline Protection 6.02.02
6. Habitat of Endangered and Threatened Species 6.03.00

**6.00.03 ~~VEGETATION REMOVAL PERMIT REQUIRED~~
NOTICE OF VEGETATION REMOVAL REQUIRED**

A. No person shall ~~remove or alter any protected~~ conduct any vegetation removal activities from or on any lot or parcel of land or portion thereof in the unincorporated area of St. Lucie County without first obtaining a ~~Vegetation Removal Permit~~ Notice of Vegetation Removal from the Public Works Director, or his designee, or his designee. ~~unless exempt under Section 6.00.04 of the Code.~~ The ~~Vegetation Removal Permit~~ Notice of Vegetation Removal application shall be completed in conformance with Section 11.05.06 of this code. Protected vegetation shall ~~include~~ be defined as native vegetation. Types of Notice of Vegetation Removal approval include:

1. Exemptions. A number of specific activities have been determined to have minimal adverse impact and are listed in 6.00.04.
2. Vegetation Removal Permit. A Vegetation Removal Permit shall be issued if all the criteria set forth in 6.00.05 has been met.

B. Unless otherwise provided in this Code, all public entities, including all departments of St. Lucie County government, shall be subject to the requirements of this Section. Public entities, however, shall not be subject to:

1. The ~~permit~~ application fees under Section 11.12.00 of this Code; or
2. The penalties under by Section 11.13.03 of this Code.

C. The provisions of this Section may be suspended or waived by the Public Works Director, or his designee during a period of emergency officially declared by the Board of County Commissioners.

D. The following activities shall require no official notification to the Public Works Director, or his designee:

1. Preserve and Parks Management Activities. Vegetation removal activities associated with an adopted management plan for government maintained parks, recreation areas, wildlife management

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areas, conservation areas and preserves. The purpose of the vegetation removal activity shall be to protect and preserve the natural values and functions of the ecological communities present, such as, clearing for firebreaks, conducting prescribed burns, or construction of fences.

2. Existing Agricultural Operations. Vegetation removal, except within required preserve areas or deeded conservation easements, which are part of the on-going activities of the existing agricultural operation, shall not require a permit. Initial clearing of native vegetation on a site shall be preceded by a letter to the Environmental Resources Division. Bona fide agricultural activities include commercial nursery, citrus groves, tree farm, aquaculture, row crops, ranch, or similar operation. When removal of protected vegetation, has been performed under this exemption no development order shall be approved for any other use or improvement, including subdividing, on the same land within four (4) years from the date of the last agricultural classification granted for that land by the St. Lucie County Property Appraiser per Section 193.461 Florida Statutes. In the event of a hardship such as a natural disaster, the owner may request that the Board of County Commissioners grant a variance from the provisions of this subsection. The Board shall only grant the variance if the Board determines that the owner has presented evidence that the owner has satisfied the standards of Section 10.01.02 of the Land Development Code.

3. Routine Landscape Maintenance. Trimming or pruning of vegetation which is not intended to result in the eventual death of the vegetation, mowing of yards or lawns, or any other landscaping or gardening activity which is commonly recognized as routine maintenance, replacement or relandscaping which does not result in the eventual death of any vegetation, does not require the approval of a Notice of Vegetation Removal.

6.00.04 EXEMPTIONS

Any person who intends to remove or cause the death of any vegetation pursuant to any of the following exemptions must first obtain a Notice of Vegetation Removal from the Public Works Director, or his designee or his designee. The burden of proving entitlement to any particular exemption shall lie, at all times, with the person or persons claiming the exemption. These exemptions shall not apply to the removal or alteration of any mangrove tree, dune vegetation or native trees protected per Section 6.00.05(D).

A. The removal or alteration of any protected native vegetation as necessary for the following activities:

1. The clearing of minimal removal of native vegetation necessary for a path not to exceed four (4) feet in width to provide physical access or view necessary to conduct a survey or site examination for the preparation of bona fide site development plans or vegetation inventories; or

2. The clearing of minimal removal of native vegetation necessary for a path not to exceed ten (10) feet in width to provide vehicular access necessary to conduct soil percolation or soil bore tests, provided such clearing or removal is conducted under the direction of Florida registered surveyor or engineer.

~~Any person who intends to remove or alter any protected vegetation pursuant to the above exemption must notify the Public Works Director, or his designee in writing at least two (2) days prior to the commencement of the removal or alteration:~~

~~B: Routine landscape maintenance such as trimming or pruning of protected vegetation which is not intended to result in the eventual death of the vegetation, mowing of yards or lawns, or any other landscaping or gardening activity which is commonly recognized as routine maintenance, replacement or relandscaping.~~

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EB. The removal ~~or alteration~~ of any protected native vegetation in an existing utility easement, drainage easement, storm water management tract or facility, or right-of-way provided such work is done by or under the control of the operating unit of local, state, or federal government, utility company and that unit of local, state, or federal government or utility company has obtained all necessary licenses or permits to provide utility service through the easement.

~~D.~~ The removal ~~or alteration~~ of any ~~protected~~ vegetation for the purpose of maintaining existing access to a site:

~~E.~~ The removal ~~or alteration~~ of any ~~protected~~ vegetation undertaken by a lawful operating and bona fide commercial nursery, tree farm, agricultural operation, ranch, or similar operation, provided that the removal ~~or alteration~~ is performed on land owned or lawfully occupied by the person conducting the above operation and is performed pursuant to that operation. ~~When removal or alteration of any protected vegetation, other than routine maintenance, has been performed under this exemption no development order shall be approved for any other use or improvement on the same land within either:~~

~~1.~~ Two (2) years from the date of completion of such vegetation removal or alteration provided that an agricultural classification has been granted for that land by the St. Lucie County Property Appraiser:

~~2.~~ Eight (8) years from the date of completion of such vegetation removal or alteration if no agricultural classification has been granted by the St. Lucie County Property Appraiser:

No removal or alteration of any protected vegetation shall be conducted pursuant to this exemption unless the person conducting that removal or alteration notifies the Public Works Director, or his designee, in writing, of the intent to remove or alteration protected vegetation pursuant to this exemption at least ten (10) days prior to the initiation of the removal or alteration:

FC. The removal of protected native vegetation which has been determined to be a safety hazard, destroyed or damaged beyond saving by natural causes or causes not covered by other sections of this chapter, is infected with disease or is infested with insects, or which constitutes immediate peril to life property or other trees, and where pruning or trimming of the vegetation is not able to alleviate the hazard.

GD. The removal ~~or alteration~~ of protected native vegetation, ~~except mangrove or dune vegetation or native trees protected as per Section 6.00.05(D)~~; upon any detached single family residential lot or parcel of land having an area of one (1) acre or less. This exemption is, however, subject to the following conditions:

1. Nothing in this exemption shall exempt any person from the landscaping requirements set forth in Section 7.09.00 of this Code;

2. This exemption shall not be construed to allow the removal or alteration of any protected vegetation without a Vegetation Removal Permit on any exempted lot or parcel of land by its subdivider unless the subdivider intends in good faith to construct a residential unit or units upon the lot or parcel of land prior to its sale. Advertisement or listing the lot or parcel of land for sale without a residential unit shall create a presumption that the subdivider does not intend to construct such a unit and that the intent is for a subsequent purchaser to develop the lot or parcel.

3. No protected native vegetation tree twenty-four inches (24"), or greater, dbh shall be removed from any residential parcel (including those in the AG-5, AG-2.5, AG-1, AR-1, RE-1, and R/C zoning districts), regardless of parcel size, ~~except for bona fide agricultural uses~~, without an approved

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Vegetation Removal Permit and an approved mitigation plan. ~~except that the~~ The Public Works Director, or his designee may ~~waive~~ reduce the requirements for mitigation on individual residential lots ½ acre or less where a protected tree 24" dbh or greater must be removed in order to provide for the reasonable use of the property.

~~H. Vegetation removal or required by law, ordinance, or the lawful exercise of some other public or governmental authority:~~

~~I. Mining activities undertaken pursuant to a valid mining permit issued under Section 11.05.11 of this Code:~~

~~J. The removal or alteration of any non-protected -native vegetation.~~

6.00.05 CRITERIA GOVERNING ISSUANCE APPROVAL OF VEGETATION REMOVAL PERMIT

A. CRITERIA FOR ISSUANCE REMOVAL OF NATIVE VEGETATION

The Public Works Director, or his designee, ~~or his designee, in consultation with the Community Development Director,~~ shall issue a Vegetation Removal Permit only if a completed application has been submitted to the Public Works Director, or his designee, and is accompanied by sufficient evidence demonstrating that at least one of the following criteria has been satisfied:

1. ~~The applicant for a final development order shall demonstrate that the removal or alteration of the protected native vegetation is the minimum necessary in order to implement a Final Development Order and that reasonable efforts have been made to microsite impervious surfaces to protect native vegetation or provide details supporting why preservation of the existing native vegetation is not practically feasible and prevents the reasonable development of the site. The Public Works Director, or his designee shall determine the appropriateness of any such claim. The applicant shall provide the Public Works Director, or his designee, or his designee, a survey of the property outlining the areas of proposed vegetation removal including the location of all vegetation as outlined in Section 11.05.06.~~

2. ~~A Final Development Order has not been issued, or is not required by this Code for the intended non-agricultural use of the land and; The applicant for the vegetation removal permit shall demonstrate that the removal of the native vegetation is the minimum necessary in order to allow for the construction of the intended use or improvement of the property and that reasonable efforts have been made to microsite impervious surfaces to protect native vegetation or provide details supporting why preservation of the existing native vegetation is not practically feasible and prevents the reasonable development of the site. The Public Works Director, or his designee shall determine the appropriateness of any such claim. The applicant shall provide the Public Works Director, or his designee, or his designee, a survey of the property outlining the areas of proposed vegetation removal including the location of all vegetation as outlined in Section 11.05.06.~~

a. ~~The proposed removal or alteration of protected vegetation is not to be performed pursuant to the operation of a tree farm, commercial nursery, agricultural operation, ranch or similar operation; and;~~

b. ~~The proposed removal or alteration of protected native vegetation is the minimum necessary to allow for the construction of the intended use or improvement; and;~~

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~~c. The applicant has provided the Public Works Director, or his designee, a survey of the property outlining the areas of proposed vegetation removal or alteration including the location of all trees as outlined in Section 11.05.06(2)(A)(4).~~

~~d. The applicant has provided the Public Works Director, or his designee a written plan to control erosion which may be expected to occur as a result of the proposed vegetation alteration or removal. The erosion control plan must be approved by the Public Works Director, or his designee prior to the commencement of any vegetation removal or alteration. All provisions of the plan shall be incorporated as express conditions of any permit issued under this paragraph.~~

~~3. The protected vegetation is located within an existing or proposed right-of-way, utility easement, drainage easement or stormwater management tract or facility.~~

~~4. The protected vegetation is located where it creates or will create a safety or health hazard, or a nuisance with respect to existing or proposed structures or vehicle or pedestrian routes.~~

B. LIMITING REMOVAL OR ALTERATION OF NATIVE VEGETATION

Prior to the removal of any native vegetation, the removal plan must demonstrate that effective efforts have been made to micro-site impervious surfaces to avoid or minimize impacts to such vegetation.

The extent of approval to remove ~~or alter~~ any protected native vegetation shall be limited by the Public Works Director, or his designee to the minimum necessary to accomplish the purpose of the removal ~~or alteration~~. This may include limiting the extent of approval to portions of a lot or parcel of land or specifying special conditions by which removal shall take place. Such limitation shall be clearly indicated in writing on or attached to the Vegetation Removal Permit. If vegetation removal is limited to a portion of a lot or parcel of land, the extent of such limitation shall be clearly delineated on the face of any site development plans. The application for Vegetation Removal Permit shall demonstrate consistency with the requirements of Section 7.09.03(E) (7).

C. VEGETATION PROTECTION STANDARDS DURING THE DURATION OF AN APPROVED NOTICE OF VEGETATION REMOVAL

The following minimum standards for vegetation protection shall be applied to any area of vegetation designated to be preserved under the terms of an approved ~~Notice of~~ Vegetation Removal Permit:

1. A conspicuous, suitable protective barrier, constructed of metal, wood, safety fencing or other durable material, shall be placed and maintained around the perimeter of the protected area to form a continuous unbroken boundary, around individual protected trees, or groups of protected vegetation, or other protected areas, as follows:

~~a. At a minimum distance of six (6) feet or more from all species of mangroves, or~~ At a minimum distance of twenty-five (25) feet from all jurisdictional wetlands; or

~~b. At a minimum distance of ten (10) feet from all required shoreline buffer zones as required in Sections 6.02.01 and 6.02.02.~~

~~b. c. At a minimum distance of either ten (10) feet from the edge of groups or areas of protected vegetation or from the radius of the dripline from all protected hardwood trees, whichever is greater; or~~

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c. ~~At a minimum distance of either ten (10) feet or the radius of the dripline from all protected conifer trees, whichever is greater; or~~

d. As otherwise provided in special conditions attached to a Notice of Vegetation Removal Permit.

~~Rope, plastic tape, ribbons, or similar material shall not be considered to be a suitable protective barrier around individual protected trees, except for those trees located on residential parcels less than two (2) acres in area, where the likelihood of significant mechanical disruption to the property and the individual protected tree is the lowest.~~

2. ~~Unless otherwise provided by law or in the terms of special conditions attached to a Vegetation Removal Permit, groups of protected trees or areas of vegetation to be preserved shall not require protective barriers. However, such areas shall be prominently highlighted by the installation of stakes at a maximum of twenty (20) feet apart. Ropes, plastic tape, ribbons, or similar material shall be attached to the stakes around the perimeter of the protected area to form a continuous unbroken perimeter around the areas to be protected from clearing activities. No marking materials shall be attached to a protected tree. Special care shall be taken that preservation areas are properly marked and highly visible so that equipment operators can see the limits of permitted removal activity.~~

3. Protective barriers or protective designations shall remain in place until removal is authorized by the Public Works Director, or his designee, or until issuance of a certificate of occupancy or other use authorization as may be granted by the Public Works Director, or his designee.

In the event that any protective barriers are removed or altered and clearing activities are conducted within an area identified for preserve under the issued Vegetation Removal Permit, the Public Works Director, or his designee is authorized to direct that all land clearing and site alteration work at the site be stopped until the barriers are restored and any necessary corrective actions taken to repair or replant any vegetation removed or damaged as a result of these encroachments.

4. The entire vegetation preservation area shall be maintained in its natural state so as not to alter the water and oxygen content of the soil and ~~upset~~ impair its natural function.

5. No grade changes or excavation of any sort may be made within the vegetation preservation area that require trenching or cutting of roots, except in compliance with the terms of special conditions in an approved Vegetation Removal Permit. ~~Ditching for underground irrigation and utility lines within vegetation protection areas shall be done in a way that plant root systems are protected to the greatest extent possible. If underground utilities must be routed through a protected root zone area, tunneling under the roots shall be required. Irrigation shall be installed outside of the dripline of all protected trees.~~

These modifications shall be based upon the suggested standards in the latest edition of the "Tree Protection Manual for Builders and Developers" published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services, or a similarly recognized reference manual.

6. No soil shall be removed from within a vegetation preservation area.

7. No fill material, construction material, concrete, paint, chemicals, or other foreign materials shall be stored, deposited or disposed of within a vegetation preservation area.

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8. No signs, permits, wires, or other attachments, other than those of protective and non-damaging nature, shall be affixed or attached to protected vegetation.

9. If landscaping is to be installed within a vegetation preservation area after removal of protective barriers or designations, installation shall be accomplished using light machinery and hand labor, unless use of light machinery is proven to be necessary and methodology is approved by the Public Works Director, or his designee.

10. Any equipment, including passenger vehicles, shall not be driven, parked, or stored or repaired within designated vegetation preservation areas.

11. Vegetation destroyed or damaged as part of the development of a site or parcel, shall be replaced by vegetation of equal environmental value as specified by the Public Works Director, or his designee, in consultation with the Community Development Director, before any occupancy or final use permit authorizations are issued.

12. The authorized removal of any non-protected vegetation in the vegetation preservation area shall be accomplished using hand labor, unless use of light machinery is proven to be necessary and methodology is approved by the Public Works Director, or his designee. Only the above ground portions of the non-protected vegetation may be removed and the stump shall be properly treated with an approved herbicide; the root systems of the protected vegetation must remain undisturbed.

13. If any roots of protected vegetation is exposed or damaged, the applicant shall immediately correct the situation by covering the roots with a high quality of soil to match the existing grades, pruning any splintered roots and providing water until the vegetation has recovered.

14. The applicant shall provide the Public Works Director, or his designee, a written plan to control erosion which may be expected to occur as a result of the proposed removal of protected vegetation. The erosion control plan must be approved by the Public Works Director, or his designee, prior to the commencement of any removal of protected vegetation. All provisions of the plan shall be incorporated as express conditions of any Notice of Vegetation Removal issued under this paragraph.

D. ~~FREE PROTECTION AND MITIGATION~~

~~Prior to the removal and/or grubbing of native vegetation for the purpose of implementing a final development order, the removal plan must demonstrate that reasonable efforts have been made to micro-site impervious surfaces to protect such vegetation.~~

~~Any native tree or vegetation at least 12-8 inches in diameter at breast height (D.B.H.), (except for or native palms which shall have with a minimum clear truck of ten (10) feet shall be preserved and protected in accordance with Section 6.00.05(C), unless the tree is determined to be a safety hazard, prevents the reasonable development of the site, is causing damage to structures or more desirable trees around it, is infected with disease or is infested with insects. The applicant for vegetation removal permit shall demonstrate why the tree is a hazard, diseased, infected, infested or why it is not practically feasible to develop the parcel without removing the tree. The Public Works Director, or his designee, shall determine the appropriateness of any such claim.~~

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~~When a native vegetation tree at least 12.8 inches, (except for including native palms which shall have with a minimum clear trunk of ten (10) feet), is considered to be healthy meeting this the mitigation size thresholds in Table 1 below and the Public Works Director, or his designee has been approved for its removal based on meeting one or more of the above standards, the Vegetation Removal Permit shall only be issued after an acceptable mitigation plan has been reviewed and approved by the Public Works Director, or his designee. Prior to the issuance of any zoning compliance, certificate of capacity or other recognized authorization for the commencement of the permitted development activity, the replacement trees vegetation shall be preserved, relocated, or planted, or the appropriate mitigation fees shall be paid to the County. Only native vegetation shall be allowed to meet any required mitigation. The replacement vegetation shall be the same species as that which was removed, unless proven to be impractical, in which case, an alternative native species, approved by the Public Works Director, or his designee, shall be used. The quality and size of the replacement trees shall meet the minimum landscape requirements set forth in Section 7.09.03(E);~~

~~Mitigation shall be required for the loss of any healthy, tree of at least 12.8 inches, (except for or native palm which shall have with a minimum clear trunk of ten (10) feet) and shall include the following:~~

1. MITIGATION SIZES

Mitigation shall be required for the loss of any healthy, native vegetation with the minimum sizes as outlined in Table 1 below.

Vegetation shall be measured as "DBH", or diameter at breast height, which refers to trunk diameter at four and one-half feet above grade; or "C.T.", or clear trunk, which refers to the measurement of palm trees from grade to the base of the living fronds, or base of the head of palm trees. The three multiple trunk species below, Seagrape, Pigeon Plum, and Wax Myrtle, shall qualify for mitigation when one of their trunks meets the minimum size threshold listed below.

TABLE 1

<u>COMMON NAME</u>	<u>SPECIES NAME</u>	<u>MITIGATION SIZE</u>
<u>BALD CYPRESS</u>	<u>Taxodium distichum</u>	<u>12"</u>
<u>LAUREL OAK</u>	<u>Quercus laurifolia</u>	<u>12"</u>
<u>LIVE OAK</u>	<u>Quercus virginiana</u>	<u>12"</u>
<u>SLASH PINE</u>	<u>Pinus elliotii var. densa</u>	<u>12"</u>
<u>SOUTHERN MAGNOLIA</u>	<u>Magnolia grandiflora</u>	<u>12"</u>
<u>STRANGLER FIG</u>	<u>Ficus aurea</u>	<u>12"</u>
<u>SWAMP TUPELO</u>	<u>Nyssa sylvatica var. biflora</u>	<u>12"</u>
<u>WATER HICKORY</u>	<u>Carya aquatica</u>	<u>12"</u>
<u>BLOLLY</u>	<u>Guapira discolor</u>	<u>9"</u>
<u>CHERRY LAUREL</u>	<u>Prunus caroliniana</u>	<u>9"</u>
<u>DAHOON HOLLY</u>	<u>Ilex cassine</u>	<u>9"</u>
<u>FALSE MASTIC</u>	<u>Sideroxylon foetidissimum</u>	<u>9"</u>
<u>FLORIDA ELM</u>	<u>Ulmus americana</u>	<u>9"</u>
<u>GUMBO LIMBO</u>	<u>Bursera simaruba</u>	<u>9"</u>
<u>POP ASH</u>	<u>Fraxinus caroliniana</u>	<u>9"</u>
<u>RED BAY</u>	<u>Persea borbonia</u>	<u>9"</u>
<u>RED CEDAR</u>	<u>Juniperus silicicola</u>	<u>9"</u>

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<u>RED MAPLE</u>	<u>Acer rubrum</u>	9"
<u>RED MULBERRY</u>	<u>Morus rubra</u>	9"
<u>SAND PINE</u>	<u>Pinus clausa</u>	9"
<u>SCRUB HICKORY</u>	<u>Carya floridana</u>	9"
<u>SEAGRAPE</u>	<u>Coccoloba uvifera</u>	when a single trunk measures 9"
<u>SWEET BAY</u>	<u>Magnolia virginiana</u>	9"
<u>WAX MYRTLE</u>	<u>Myrica cerifera</u>	when a single trunk measures 9"
<u>BUTTONWOOD</u>	<u>Conocarpus erectus</u>	6"
<u>CHAPMAN OAK</u>	<u>Quercus chapmanii</u>	6"
<u>CORALBEAN</u>	<u>Erythrina herbacea</u>	6"
<u>GRAYTWIG</u>	<u>Schoepfia chrysophylloides</u>	6"
<u>HERCULES-CLUB</u>	<u>Zanthoxylum clava-herculis</u>	6"
<u>INKWOOD</u>	<u>Exothea paniculata</u>	6"
<u>IRONWOOD</u>	<u>Krugiodendron ferreum</u>	6"
<u>LANCEWOOD</u>	<u>Ocotea coriacea</u>	6"
<u>LOBLOLLY BAY</u>	<u>Gordonia lasianthus</u>	6"
<u>MYRSINE</u>	<u>Rapanea punctata</u>	6"
<u>MYRTLE OAK</u>	<u>Quercus myrtifolia</u>	6"
<u>PARADISE TREE</u>	<u>Simarouba glauca</u>	6"
<u>PIGEON PLUM</u>	<u>Coccoloba diversifolia</u>	when a single trunk measures 6"
<u>POISONWOOD</u>	<u>Metopium toxiferum</u>	6"
<u>SAND LIVE OAK</u>	<u>Quercus geminata</u>	6"
<u>SATINLEAF</u>	<u>Chrysophyllum oliviforme</u>	6"
<u>SCRUB OAK</u>	<u>Quercus inopina</u>	6"
<u>SIMPSON'S STOPPER</u>	<u>Myrcianthes fragrans</u>	6"
<u>SPANISH STOPPER</u>	<u>Eugenia foetida</u>	6"
<u>TORCHWOOD</u>	<u>Amyris elemifera</u>	6"
<u>WHITE STOPPER</u>	<u>Eugenia axillaris</u>	6"
<u>WILD LIME</u>	<u>Zanthoxylum fagara</u>	6"
<u>WINGED SUMAC</u>	<u>Rhus copallina</u>	6"
<u>CABBAGE PALM</u>	<u>Sabal palmetto</u>	10' c.t.

2. MITIGATION RATIOS

a. Calculating Required Mitigation

1. Where mitigation is required to compensate for the loss of native vegetation, meeting the minimum size thresholds outlined in Table 1, the replacement vegetation shall be calculated at a ratio of two inches D.B.H. replacement per one inch D.B.H. removed (2:1). {For example, removal of a 12" Slash Pine results in 24" required mitigation}

2. Palm tree mitigation shall be calculated at a ratio of one palm tree preserved/relocated/planted per one palm tree removed (1:1). Palm trees shall not be counted towards mitigation of non-palm species. {For example, removal of one Cabbage Palm with a clear trunk measuring ten foot or greater results in required mitigation of one Cabbage Palm with a clear trunk measuring ten feet or greater.}

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b. Calculating Mitigation Credit

TABLE 2. a.

<u>Methods Of Mitigation/ Credit Ratios</u>		
On-site preservation	On or off site relocation of existing trees or vegetation	On or off site planting
1:2	1:1.5	1:1

{For example, if a 6" Slash Pine is preserved on site, 12" of credit is granted; if a 6" Slash Pine is relocated, 9" of credit is granted; and if a 6" Slash Pine is planted on site, 6" of credit is granted.}

Table 2. b.

<u>Methods Of Mitigation/ Credit Ratios for Native Palms</u>		
On-site preservation	On or off site relocation of existing trees or vegetation	On or Off-site planting
1:1	1:1	1: .5 (one half credit)

{For example, if a 10' Cabbage Palm is preserved on site a credit of one palm tree is granted; if a 10' Cabbage Palm is relocated on or off site, a credit of one palm tree is granted; and if a 10' Cabbage Palm is planted on site, a credit of ½ of a palm tree is granted.}

3. MITIGATION COMPLIANCE METHODS

a. Diameter based mitigation methods shall be considered as follows:

1. All native vegetation shall be protected on site to the greatest extent possible. If this is demonstrated to the satisfaction of the Public Works Director, or his designee, to be impractical, then;

2. All native vegetation, that occurs in areas to be impacted by a proposed development activity requiring the removal of the vegetation, shall be relocated elsewhere on or off site, to the greatest extent possible. Vegetation relocated off-site shall be relocated to a publicly owned property within St. Lucie County, to a location approved by the County. A plan, outlining proposed transplant and maintenance methods, shall be approved by the Public Works Director pursuant to this option being permitted. In order to be credited towards mitigation for a site, the applicant must be responsible for all of the costs responsibilities of the relocation operation. If this is demonstrated to the satisfaction of the Public Works Director, or his designee, to be impractical, then;

3. The amount of mitigation shall be planted on the development site using the following credit ratios.

Table 3

<u>DBH of planted native tree</u>	<u>Ratio of credits granted towards required mitigation</u>

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10.5" – 10.5 plus"	1:2
5" – 10"	1:1.5
2.5" – 4.5"	1:1

{For example, if a 12" tree is planted, then 24 inches of credit are granted.}

The replanting design shall allow for adequate root and crown development. If this is demonstrated to the satisfaction of the Public Works Director, or his designee, the development site does not have the capacity to hold all of the required mitigation, then;

4. Contribute \$200 per inch D.B.H. of remaining required mitigation to the County to be used at the County's discretion for either the acquisition and maintenance of publicly owned environmentally unique lands, or to be used for relocating or replanting native trees on public lands.

b. Alternative Mitigation Compliance Methods. A complete Environmental Assessment shall be required for the following mitigation methods, therefore a tree survey shall not be required unless specifically requested by the Public Works Director, or his designee.

1. If a site is consistent with the following minimum standards, twenty-five percent (25%) of the existing native upland habitat can be preserved on site to take the place of all tree mitigation requirements.

a. The habitat preservation area shall not measure less than 15% of a total site, unless it is proven to the satisfaction to the Public Works Director, or his designee, that 15% of the total site would prevent reasonable development of the site, then the preserve area may measure less than 15% of the site, but shall measure no less than 50 acres;

b. The habitat preservation area shall be interconnected with adjacent habitat preserve areas in neighboring parcels where applicable, to facilitate appropriate management and to maximize natural resources values;

c. Habitat preservation areas shall minimize edge to interior ratio, and shall have no minimum dimension less than 100 feet, and shall not exceed a length to width ratio of 3:1 unless exceeding this ratio allows for superior connections with adjacent parcels or other environmental benefits.

d. The habitat preservation area shall be platted in its entirety as separate tract or tracts.

e. The habitat preservation area must be covered by a Conservation Easement dedicated to, or made in favor of, the County.

f. The habitat preserve area shall have "Preserve Area Management and Monitoring Plan" approved by the County in order to ensure the continued, adequate, and appropriate management of the site and the continued protection of the site from adverse impacts. The Preserve Area Management Plan shall be recorded in the public records of the County and shall at a minimum identify the area covered by the plan, its ownership, and assignment of management and maintenance responsibility.

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g. If the preserve area is identified in either the St. Lucie County Native Habitat Inventory or the St. Lucie County Greenway's and Trails Master Plan, then all or portions of the above outlined guidelines may be waived with the approval of the County Commission.

h. If the area proposed for preservation does not qualify as high quality native habitat, a restoration plan may be submitted including 100% exotic removal, a planting plan incorporating canopy, sub-canopy, and ground cover species. Ninety percent survival rate will be required of the plant materials and shall be guaranteed as part of the "Preserve Area Management and Monitoring Plan".

2. Purchase the required amount of remaining mitigation, using the credit ratio outlined in Table 3, and facilitate the installation, by a qualified professional, on an approved publicly managed site, including Environmentally Significant Land properties, parks, road right-of-ways, or other public facility, or delivery to the St. Lucie County nursery program; or

3. The purchase of land off the subject parcel, elsewhere in St. Lucie County on a property identified in either the St. Lucie County Native Habitat Inventory or the St. Lucie County Greenway's and Trails Master Plan, to be given to St. Lucie County for ownership and management. The off-site land shall be similar in ecological value based on habitat existing on site as well as the land value of the subject parcel.

4. A property owner may propose to establish or acquire credits in an off-site mitigation bank located in St. Lucie County. A report, including the location of the property, an environmental assessment of the property, a tree survey (if applicable), a restoration plan (if applicable), and a management plan shall be submitted for this option to be considered. The mitigation bank property shall either be given to St. Lucie County for ownership and management or placed under a conservation easement, dedicated to, or in favor of, St. Lucie County.

~~4. the replacement trees, either preserved, relocated or newly planted, shall be of the same or other native species as the tree(s) approved for removal;~~

~~2. the quality and size of the replacement trees shall meet the minimum landscape requirements set forth in Section 7.09.03(C);~~

~~3. the quantity of replacement trees, for each species approved for removal, shall be at a ratio of two inch D.B.H. per one inch D.B.H. removed, except that each palm tree that is preserved through on-site protection or relocation will count towards any required palm tree mitigation requirement at a ratio of one palm tree preserved/relocated is equal to one palm tree removed. The following mitigation credits shall apply to all other tree species:~~

~~a. all native trees protected on-site that are in excess of the minimum requirements of Section 7.09.03(E) will count as a credit toward the required mitigation of any protected trees that may be removed as part of the vegetation removal permit. For each inch of a tree greater than 3 inches D.B.H. that is preserved through on-site protection a credit of one inch preserved for one inch removed will be granted towards any required mitigation.~~

~~b. all native trees relocated on-site, that exceed the minimum requirements of Section 7.09.03(E), will count as credit towards the required mitigation of any protected trees that may be removed as part of the vegetation removal permit. For each inch of tree greater than~~

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~~3 inches D.B.H. relocated on-site, a credit of one inch relocated for one inch removed will be granted towards any required mitigation.~~

~~c. all native trees planted on-site, that exceed the minimum requirements of Section 7.09.03(E), will count as credit towards the required mitigation of any protected trees that may be removed as part of the vegetation removal permit. For each inch of tree greater than 3 inches D.B.H. planted on-site, a credit of one inch planted for one inch removed will be granted towards any required mitigation.~~

~~4. The replanting design shall provide adequate space for root and crown development;~~

~~5. When the property being developed is not appropriate for on-site mitigation, the developer may mitigate off site on public lands in the County in the following manner:~~

~~a. obtain written permission from the appropriate public entity to implement the necessary replanting plan. The developer shall provide all necessary services to implement the replanting plan, including but not limited to funding, plant materials and labor; or~~

~~b. contribute \$200 per inch DBH required for mitigation to the County to be used at the County's discretion for either the acquisition and maintenance of publicly owned environmentally unique lands, or to be used for relocating or replanting native trees on public lands. Any such work shall be performed by a qualified professional.~~

~~46. As part of the issuance of any Final Development Order/Permit requiring the mitigation of trees as set forth in this code, the property owner shall submit to an inspection of the planted/ relocated/ preserved materials 18 months after the issuance of a certificate of occupancy or other use authorization as may be granted by the Public Works Director, or his designee for the County. If it is determined that the planted/relocated/ preserved trees are dead, diseased or otherwise not in compliance with the provisions of this Code and the original approved mitigation plan, the property owner shall be provided notice and directed to correct any observed deficiencies and replace all noncompliant trees within 60 days. Failure to maintain all required mitigation shall be grounds for referral to the Code Enforcement Board for appropriate enforcement actions. The Public Works Director, or his designee is authorized to include within the building permit fee, adequate charges to cover the costs of enforcing the requirements of this section.~~

E. SUPPLEMENTAL REQUIREMENTS

~~The Community Development Director Public Works Director, or his designee may impose supplemental requirements as a special condition of a Vegetation Removal Permit when necessary to carry out the intent of this Section. These supplemental standards shall be based upon the suggested standards in the latest edition of the "Tree Protection Manual for Builders and Developers" published by the Division of Forestry of the Florida Department of Agriculture and Consumer Services, or a similarly recognized reference manual.~~

11.05.06

NOTICE OF VEGETATION REMOVAL PERMITS APPLICATIONS

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A. GENERAL PERMIT NOTICE OF VEGETATION REMOVAL NOTIFICATION REQUIRED

1. No person shall remove or ~~alter~~ cause the death of protected vegetation from or on any lot or parcel of land in the unincorporated area of St. Lucie County without first obtaining a Notice of Vegetation Removal Permit from the Public Works Director, or his designee unless exempt under Section 6.00.043 (D) of this Code.

2. Any person desiring a Notice of Vegetation Removal Permit shall make written application to the Public Works Director, or his designee using forms provided by the Director.

3. ~~Unless exempt under Section 6.00.04 of this Code, a~~ preliminary Vegetation Removal plan shall be required with all site plans submitted in accordance with Section 11.02.00, ~~and A preliminary vegetation removal plan shall be in substantial conformity with the requirements of this Section, and Section 6.00.00 of this Code. A preliminary vegetation removal plan does not result in an authorization to commence any vegetation removal or alteration, but~~ A preliminary vegetation removal plan is intended to generally identify the existing vegetative communities on the proposed development site. Prior to the commencement of any vegetation removal or alteration activities a formal Notice of Vegetation Removal Permit is required.

B. APPLICATION REQUIREMENTS

1. The application form shall be accurately completed, signed by the land owner or his agent and notarized, or in the case of electronic permitting, an electronic verification has been received. If the application is submitted by an agent, it shall include a notarized statement clearly indicating that the land owner has delegated full authority to the agent to apply for the permit and that the owner accepts any special conditions which may be imposed by the Public Works Director, or his designee pursuant to this Code.

2. Each application for a Notice of Vegetation Removal Permit shall be accompanied by a:

a. Vegetation inventory which shows:

~~1. The approximate location, extent and general type of all vegetation on the subject lot or parcel of land, including common or and scientific names of the major groups of vegetation;~~

~~2. All protected vegetation proposed for either removal or preservation;~~

~~3. The proposed buildings, structures, driveways, and other improvements drawn to scale; and~~

3. An illustrative plan of the existing vegetative conditions on the project site, superimposed onto including an identification of a plan identifying what areas will be impacted by the proposed development activity and what areas are proposed for protection, relocation, or preservation. The individual locations of all County-protected native trees-vegetation, that meets the minimum sizes outlined in Table 1 in Section 6.00.05 (D) are 12 inches, or greater, in diameter at breast height (D.B.H.), except for which shall have a minimum clear trunk of ten (10) feet, that are located within all areas of proposed improvement and within twenty (20) feet of all proposed improvement areas shall be shown on the illustrative plan. For the purposes of this requirement,

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improvement areas shall include all subdivision lot lines and maximum buildable areas, as identified in Section 11.02.10 (A)(3)(d).

4. The Public Works Director, or his designee may require that the application include such additional information necessary for adequate administration of this Section.

5. Two (2) copies of the application and accompanying documents shall be submitted to the Public Works Director, or his designee.

6. ~~The completed application shall be accompanied by an application review fee~~ Payment of The applicable permit and/or application fees, established in accordance with Section 11.12.00 of this Code, shall be paid upon receipt of an approved Notice of Vegetation Removal. Additionally, Payment of applicable permit and inspection fees, established in accordance with Section 11.12.00 of this Code, shall be required prior to issuance of the Notice of Intent as described Section 11.05.06(D) of this Code.

7. The filing of an application shall be deemed to extend permission to the Public Works Director, or his designee or his designee to inspect the subject site for purposes of evaluating the application.

C. REVIEW OF APPLICATIONS FOR VEGETATION REMOVAL PERMITS

1. The Public Works Director, or his designee shall review each Notice of Vegetation Removal Permit Application and render a determination of completeness within two (2) working days of submission. If the application is determined incomplete, it shall be returned to the applicant with an identification of the areas in which a deficiency exists. Any application determined to be incomplete must be returned to the Public Works Director, or his designee within thirty (30) days of the date of notification of incompleteness. Any application not returned within that time shall be subject to the payment of a new application fee.

2. Within twenty (20) days after an application has been determined to be complete, the Public Works Director, or his designee, shall review the application and approve, approve with conditions or deny the application, based on the standards set forth in Section 6.00.05 of this Code. If no decision is issued within thirty (30) days from the initial date of submission of the application, the application shall be deemed to have been approved in accordance with the information provided in the application.

D. PROCEDURES FOR ISSUANCE OF NOTICE OF VEGETATION REMOVAL PERMITS

1. The Public Works Director, or his designee shall conduct an inspection of the proposed development site and upon determination of compliance with the provisions of Section 6.00.00 of this code, shall issue an application approval ~~Vegetation Removal Permit~~. No Notice of Vegetation Removal Permit shall be issued until the Public Works Director, or his designee has verified compliance with the provisions of Section 6.00.00 of this code. A Notice of Vegetation Removal Permit may be issued on site.

2. Once issued, a Notice of Vegetation Removal Permit must be prominently displayed upon the subject site.

E. TERM OF VEGETATION REMOVAL PERMITS

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1. A Notice of Vegetation Removal Permit issued with a Final Development Order shall be valid for the term of the Final Development Order and shall be renewed, as necessary, with the Final Development Order.

2. Notice of Vegetation Removal Permit issued without a Final Development Order shall remain valid for a term of ~~six (6)~~ twelve (12) months and may be renewed for a second ~~six (6)~~ twelve (12) month period. A request for renewal must be made in writing to the Public Works Director, or his designee prior to the expiration of the ~~permit.~~ approval. If the Public Works Director, or his designee determines that site conditions have changed substantially from the date of issuance of the initial permit as a result of natural growth of trees and vegetation, or high winds, hurricane, tornado, flooding, fire, or other act of nature, the Director may require reapplication and full review. The determination of the Public Works Director, or his designee regarding the necessity for reapplication and review shall be made within ten (10) working days of receipt of a written request for renewal. If such a determination is not made within that period of time, the permit shall be automatically renewed.

3. Unless renewed as provided above, a Notice of Vegetation Removal Permit shall expire and become void if the work authorized by the permit is not commenced within ~~six (6)~~ twelve (12) months after the date of the permit.

4. Unless renewed as provided above, a Notice of Vegetation Removal Permit shall expire and become void if authorized removal work, once commenced, is suspended, discontinued, or abandoned for a period equal to or greater than ~~six (6)~~ twelve (12) months.

5. If a Notice of Vegetation Removal Permit expires or becomes void after work has commenced, a new permit must be obtained before work is resumed. Any new application for a Notice of Vegetation Removal Permit must comply with all applicable standards in effect that the time of reapplication.

F. VIOLATIONS

1. If the Public Works Director, or his designee determines that any land development activity violates the terms or conditions of an issued Notice of Vegetation Removal Permit or the provisions of this Code, the Director may issue a Stop Work Order on the development site in question and process the violation for appropriate review and enforcement in accordance with Section 11.13.03 of this Code.

2. If the Public Works Director, or his designee determines that any land development activity violates the terms or conditions of an issued Notice of Vegetation Removal Permit, or was conducted in the absence of a required Notice of Vegetation Removal Permit, the Public Works Director, or his designee may direct that remedial mitigation through new plantings ~~relocations or preservation~~ be provided for as follows:

a. ~~all replacement trees, either preserved, relocated or newly planted, shall be of the same or other a native species as the tree(s) removed~~ Only native vegetation shall be allowed to meet any required mitigation. The replacement vegetation shall be the same species as that which was removed, unless proven to be impractical, in which case, an alternative native species, approved by the Public Works Director, or his designee, shall be used;

b. the quality and size of the replacement trees shall meet the minimum landscape requirements set forth in Section 7.09.03(E). The Public Works Director, or his

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designee may require a minimum ~~caliper of tree~~ size greater than that set forth in Section 7.09.03(E) depending on specific site conditions and circumstances;

c. the quantity of replacement trees shall be at a ratio of four (4) inches D.B.H. per one (1) inch D.B.H. removed; ~~except that for~~ Each palm tree that is removed the palm tree mitigation requirement shall be at a ratio of ~~one~~ two palm trees preserved, relocated, planted for each palm removed.

d. The replanting design shall provide adequate space for root and crown development;

e. The replanting design shall include adequate understory and ground cover plants and materials as necessary to replicate the existing native habitat that was improperly removed or disturbed;

f. When the property being developed is not appropriate for on-site mitigation, the developer may mitigate off site on public lands in the County in the following manner:

1. Obtain written permission from the appropriate public entity to implement the necessary replanting plan. The developer shall provide all necessary services to implement the replanting plan, including but not limited to funding, plant materials and labor; or

2. Contribute \$200 per inch DBH required for mitigation to the County to be used at the County's discretion for either the acquisition and maintenance of publicly owned environmentally unique lands, or to be used for relocating or replanting native trees on public lands. Any such work shall be performed by a qualified professional.

g. In the event that the Public Works Director, or his designee is unable to determine the D.B.H. of trees removed through the improper land clearing activity, the Public Works Director, or his designee shall request that the developer provide documentation verifying the number, type and size of all trees removed. If the developer cannot provide this information, or if this information is determined by the Public Works Director, or his designee to be incomplete, the Public Works Director, or his designee may develop an estimate of the number, type and sizes of the trees removed. In determining this estimate, the Public Works Director, or his designee shall use any and all available historical data and data of record for the property including, but not limited to, recent aerial and ground photography of the site; site plan or survey data on file or that is otherwise available to the County, and any other credible information that can be used to provide an accurate representation of the property before it was improperly cleared. Vegetation removed without prior approval shall be presumed to have been in good condition. In the event that the developer disputes or otherwise does not agree with the estimate determined by the Public Works Director, or his designee, the developer may appeal this determination to the County Administrator. In the event that the developer does not agree to the decision of the County Administrator, the developer may appeal that determination to the Board of County Commissioners consistent with the procedures described in Section 11.11.01(B)(2) of this Code.

As part of the mitigation agreement approved by the Public Works Director, or his designee the property owner shall submit to an inspection of the planted/preserved materials 18 months after the approval of the mitigation agreement. If it is determined that the mitigated planted or preserved trees and other materials are dead, diseased or otherwise not in compliance with the provisions of this Code and the original approved mitigation plan, the property owner shall

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be provided notice and directed to correct any observed deficiencies and replace all noncompliant trees within 60 days. Failure to maintain all required mitigation shall be grounds for referral to the Code Enforcement Board for appropriate enforcement actions.

G. APPEALS

Except as provided for in paragraph (F)(2)(g) above, any final action by the Public Works Director, or his designee may be appealed to the Board of Adjustment, in accordance with the provisions of Section 11.11.00 of this Code.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the unincorporated area of St. Lucie County.

PART E. FILING WITH THE DEPARTMENT OF STATE.

The Clerk be and is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART F. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State.

PART G. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chairman Frannie Hutchinson	NAY
Vice Chairman Doug Coward	AYE
Commissioner Paula Lewis	AYE
Commissioner Chris Craft	AYE

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Commissioner Joseph E. Smith AYE

PART H. CODIFICATION.

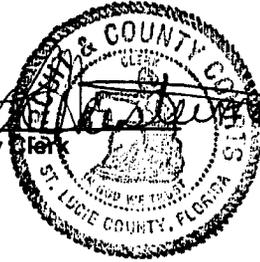
Provisions of this ordinance shall be incorporated in the St. Lucie County Land Development Code, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B through H shall not be codified.

PASSED AND DULY ENACTED this 18th day of January, 2005.

ATTEST:

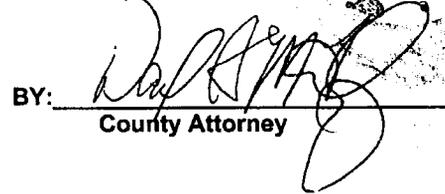
**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**


Deputy Clerk




Chairman

APPROVED AS TO FORM AND
CORRECTNESS:


County Attorney

STATE OF FLORIDA
ST. LUCIE COUNTY
THIS TO CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY OF THE
ORIGINAL.


EDWIN M. FRY, JR., CLERK
By _____
Date: 1-19-05



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